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March 5, 2010

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VIA UPS OVERNIGHT MAIL

Honorable Denise Cote, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street, Chambers 1040
New York, NY 10007

Re: **Michael Schneider and Nicholas Danellis
v. Fifth on the Park Condo, LLC, et al.
Civil Action No: 10cv1324 (DLC)**

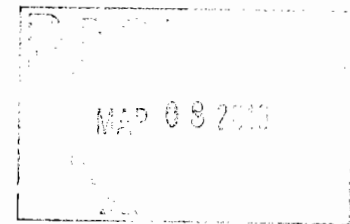
Dear Judge Cote:

This firm represents Plaintiffs in the above-captioned matter.

Please accept this letter in response to Your Honor's Order to Show Cause dated February 26, 2010 as to why the above-referenced action should not be dismissed presumptively as a result of the Court's recent Opinion and Order in the related Bodansky (09 Civ. 4651) and Bergen (09 Civ. 6433) matters.

Your Honor has already dismissed the other related cases, JKP, LLC (09-cv-7148), Barstow (09-cv-7786), Ang (09-cv-7137), and Hunter (09-cv-7567). It is assumed that Your Honor will dismiss the Schneider matter as well for the same reasons expressed in your March 1, 2010 Order

MEMO ENDORSED



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**WILENTZ
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& SPITZER**
ATTORNEYS AT LAW
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Honorable Denise Cote, U.S.D.J.

March 5, 2010

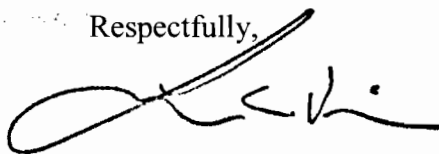
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(Document #14 in the Ang matter). It is respectfully requested that all of the related Fifth matters¹ be consolidated so that, inter alia, there will only be the need for one appeal, as opposed to seven separate appeals. Consolidation of these related cases will obviate the need for each Plaintiff to not only prepare separate filings and the necessary filing fees (approximately \$500.00), but to take the inevitable steps to otherwise consolidating these matters at the Second Circuit once all the Notices of Appeal are inevitably filed. It is respectfully submitted that the most efficient and economic course of action would be to consolidate all these related cases at the district court level. Without such consolidation, numerous filings will need to be made which will not only be a waste of the Court's valuable time and resources, but plaintiffs as well.

I am available to discuss the most efficient means to effectuate same at Your Honor's earliest convenience.

Thank you for your courtesies.

Respectfully,



LAWRENCE C. WEINER

LCW:wp

cc: Daniel A. Ross, Esq. (via Email & Reg. Mail)
Paul J. Hanley, Jr., Esq. (via Email & Reg. Mail)
Sandra June Rampersaud Esq. (via Email)
Client (via Email)

*Any consolidation request
must be made to the
Court of Appeals for ^{cases} ~~consolidation~~ on
appeal. This is the only
case remaining before me
on this matter, and it is
hardly dismissed for the
reasons described in the
1/29/10 opinion.*

*Denise Cote
March 9, 2010*

¹ Bodansky (09 cv 4651), Bergen (09 cv 6433), Ang (09 cv 7137), JKP, LLC (09 cv 7148), Hunter (09 cv 7567), Barstow (09 cv 7786), and Schneider (10 cv 1324).